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**State Government Operations &  
Accountability Committee**

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**HB 1515**

**Brief Description:** Expanding the jurisdiction of the human rights commission.

**Sponsors:** Representatives Murray, Hankins, Walsh, Jarrett, McDermott, Grant, Linville, Upthegrove, Quall, Moeller, Tom, Appleton, Schual-Berke, Darneille, Clibborn, Hunter, Flannigan, Simpson, Williams, Hunt, Hudgins, B. Sullivan, Haigh, Chase, Wood, Cody, Sommers, Kenney, Dickerson, McIntire, Hasegawa, Santos and Ormsby.

**Brief Summary of Bill**

- Prohibits discrimination based on sexual orientation.
- Adds definitions of sexual orientation and creed to the Law Against Discrimination.
- Exempts from the law against discrimination certain real estate transactions involving the sharing, rental, or sublease of a dwelling unit when the unit is to be occupied by the owner or sublessor.

**Hearing Date:** 2/1/05

**Staff:** Jim Morishima (786-7191).

**Background:**

I. Washington's Law Against Discrimination

The state Law Against Discrimination provides that a person has the right to be free from discrimination based on race, color, creed, national origin, sex, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal. This right applies to employment, public accommodations, real estate transactions, insurance, and commerce.

To effectuate the right to be free from discrimination, the Law Against Discrimination defines certain practices as being unfair. For example, it is an unfair practice to refuse to hire or fire a person based on sex, race, creed, color, national origin, marital status, the presence of any sensory or physical disability, or the use of a trained dog guide or service animal. Additionally, it is an unfair practice to discriminate in real estate transactions based on sex, race, creed, color, national

origin, marital status, the presence of any sensory or physical disability, or the use of a trained dog guide or service animal.

The Washington State Human Rights Commission (WSHRC) is responsible, in part, for administering and enforcing the Law Against Discrimination. The WSHRC receives and investigates complaints made by persons alleging practices that violate the Law Against Discrimination. To that end, the commission may hold hearings and subpoena witnesses. If the commission finds that there is reasonable cause to believe that discrimination has occurred, it must try to eliminate the unfair practice via conference and conciliation. If this process fails, the WSHRC must refer the matter to an administrative law judge who may issue an order providing relief to the complainant.

## II. The Insurance Code

**A provision of the insurance code prohibits a person in the insurance business from refusing to issue or renew an insurance contract or canceling an insurance contract because of the insured's sex or marital status, or the presence of any sensory, mental, or physical handicap.**

### **Summary of Bill:**

#### I. Washington's Law Against Discrimination

The Law Against Discrimination is amended to prohibit discrimination based on a persons sexual orientation. "Sexual orientation" is defined as heterosexuality, homosexuality, bisexuality, and gender expression or identity.

"Creed" is defined as a system of religious beliefs and religious expressions, including moral and ethical beliefs and expressions about right and wrong that are sincerely held with the strength of traditional religious views.

Real estate transactions involving the sharing of a dwelling unit, or rental or sublease of a portion of a dwelling unit, when the dwelling unit is to be occupied by the owner or sublessor, are exempt from the Law Against Discrimination.

#### II. The Insurance Code

A person in the insurance business may not refuse to issue or renew an insurance contract or cancel an insurance contract because of the insured's sexual orientation.

**Appropriation:** None.

**Fiscal Note:** Requested on January 30, 2005.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.